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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,965	07/20/2006	Volker Entenmann	095309.57283US	5401
23911 7590 11/13/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER FAN, HONGMIN	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 11/13/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/564,965

**Applicant(s)**

ENTENMANN ET AL.

**Examiner**

HONGMIN FAN

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-22 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 and 24-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. The original reference (McLain) cited in last office action is disqualified due to submission of the translation of German priority document. Effective priority date is now 7/17/03.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 12-22, 24-25, 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al (US Pub. 2001/0008992).

As to claims 12 and 14-16, referring to Fig. 2, Saito et al disclosed a monitoring device for vehicle having claimed limitations, wherein if the expected timing of collision is earlier than a prescribed timing, under the decision that there is a high degree of danger, an audio guidance signal is issued so that the speaker 71 announces that "Collision occurs", "Immediately avoid the collision". On the other hand, if the expected timing of collision is not earlier than the prescribed timing, under the decision that there is a low degree of danger, the audio guidance signal is issued so that "Collision may occur", "Pay attention" (§0088). An image display signal is issued to display the images picked up by the CCD cameras 11 on the display 61, and a display frame signal is

issued to display a display frame encircling the object with possibility of collision (¶0089, line 1-4).

As to claim 17, Saito et al disclosed that object position detecting means 51a for detecting positions of an object on the periphery of a vehicle at prescribed time intervals; expected object locus computing means 51b for computing an expected locus of the object on the basis of the positions of the object detected by the object position detecting means; expected vehicle locus computing means 51c for computing an expected locus of the vehicle; and danger determining means 51d (i.e. evaluating) for determining whether or not there is a danger of collision between the object and the vehicle on the basis of both the expected loci of the object and the vehicle (0010, line 4-14).

As to claims 13 and 24, referring to Fig. 1, Saito disclosed a periphery monitoring device for vehicle having claimed limitations, wherein if the expected timing of collision is earlier than a prescribed timing, under the decision that there is a high degree of danger, an audio guidance signal is issued so that the speaker 71 announces that "Collision occurs", "Immediately avoid the collision". On the other hand, if the expected timing of collision is not earlier than the prescribed timing, under the decision that there is a low degree of danger, the audio guidance signal is issued so that "Collision may occur", "Pay attention" (¶0088).

As to claim 18, the claim is interpreted and rejected as claim 12.

As to claim 19, the claim is interpreted and rejected as claim 14.

As to claim 20, the claim is interpreted and rejected as claim 15.

As to claim 21, the claim is interpreted and rejected as claim 16.

As to claim 22, the claim is interpreted and rejected as claim 17.

As to claim 25, the claim is interpreted and rejected as claim 15.

As to claim 27, the claim is interpreted and rejected as claim 16.

As to claim 28, still referring to Fig. 1, Saito further disclosed a speed detection 3 (i.e. sensor).

As to claim 29, the claim is interpreted and rejected as claim 14.

As to claim 30, the claim is interpreted and rejected as claim 15.

As to claim 31, the claim is interpreted and rejected as claim 16.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito in view of Iwasaki et al (US 6097311).

As to claim 26, Saito did not disclose a warning includes a type of danger. However, it is well known in the art to have a warning including a type of danger.

Iwasaki et al teach a warning device for vehicle wherein when this judgment finds the rear-end collision alarm as the answer, the rear-end collision alarm is displayed, namely the red color LED 22c disposed in the display part 10 is flickered (step S123).

When the judgment finds the car-to-car alert alarm as the answer, the car-to-car alert alarm is displayed, namely the orange color LED 22b or the green color LED 22a is lighted (col. 17, line 20-30).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to incorporate a warning including a type of danger in Saito's system since it is known in the art.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hongmin Fan whose telephone number is 571-272-2784. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HF

/Daniel Wu/  
Supervisory Patent Examiner, Art Unit 2612